

Message Text

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ACTION IO-10

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L-03 NSAE-00 NASA-01 NSC-05 OES-03 H-02 PA-01 PRS-01

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 4342

C O N F I D E N T I A L USUN 6252

E.O. 11652: GDS

TAGS: TSPA, UNGA, CO

SUBJECT: 30TH UNGA: OUTER SPACE: MOON TREATY

THE FOLLOWING TEXT RELATING TO THE MOON TREATY WAS HANDED
MISOFF BY A MEMBER OF THE USSR MISSION.

IT WAS EXPLAINED THAT THE SUBJECT TEXT IS A PROPOSED SOVIET
COMPROMISE FOR STUDY AND CONSIDERATION BY THE US.

DRAFT ARTICLES X AND X BIS
OF A TREATY RELATING TO THE MOON PREPARED WITH
CONSIDERATION OF DISCUSSIONS AND PROPOSALS AT
THE FOURTEENTH SESSION OF THE LEGAL SUB-COMMITTEE
OF THE UN COMMITTEE ON OUTER SPACE

ARTICLE X

1. THE MOON (X) IS NOT SUBJECT TO NATIONAL APPROPRIATION BY
ANY CLAIM OF SOVEREIGNTY, BY MEANS OF USE OR OCCUPATION, OR BY
ANY OTHER MEANS.

2. WITHOUT PREJUDICE TO THE PROVISIONS OF ARTICLE X BIS,
AREAS OR ZONES ON OR BELOW THE SURFACE OF THE MOON SHALL NOT
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BECOME THE PROPERTY OF ANY STATE, INTERNATIONAL INTERGOVERNMENTAL

OR NON-GOVERNMENTAL ORGANIZATION, NATIONAL ORGANIZATION OR ANY OTHER JURIDICAL OR NATURAL PERSON. THE PLACEMENT OF PERSONNEL, SPACE VEHICLES, EQUIPMENT, FACILITIES, STATIONS AND INSTALLATIONS ON OR BELOW THE SURFACE OF THE MOON INCLUDING STRUCTURES PERMANENTLY AFFIXED TO ITS SURFACE OR SUBSURFACE, SHALL NOT CREATE A RIGHT OF OWNERSHIP OVER ANY AREAS OR ZONES ON OR BELOW THE SURFACE OF THE MOON.

3. AREAS OR ZONES ON OR BELOW THE SURFACE OF THE MOON SHALL NOT BE THE OBJECT OF CONCESSION, EXCHANGE, TRANSFER, SALE OR PURCHASE, LEASE, HIRE, GIFT OR ANY OTHER ARRANGEMENTS OR TRANSACTIONS WITH OR WITHOUT COMPENSATION BETWEEN STATES, INTERNATIONAL INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS OR NATIONAL ORGANIZATIONS HAVING THE STATUS OF JURIDICAL PERSONS OR NOT, OR OF ARRANGEMENTS ON TRANSACTIONS BETWEEN NATURAL PERSONS.

ARTICLE X BIS

1. STATES PARTIES HAVE AN EQUAL RIGHT TO UNDERTAKE THE EXPLORATION AND USE OF THE MOON, INCLUDING THE EXPLOITATION OF ITS NATURAL RESOURCES, WITHOUT ANY DISCRIMINATION WHATSOEVER.

2. STATES PARTIES UNDERTAKE TO ESTABLISH AN INTERNATIONAL REGIME GOVERNING THE EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON, WHEN SUCH EXPLOITATION BECOMES FEASIBLE, ON THE BASIS OF THE PRINCIPLE THAT THOSE RESOURCES OF THE MOON ARE THE COMMON HERITAGE OF MANKIND. EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON SHALL NOT BE DONE EXCEPT IN ACCORDANCE WITH THE INTERNATIONAL REGIME TO BE ESTABLISHED.

3. THE MAIN PURPOSES OF THE INTERNATIONAL REGIME TO BE ESTABLISHED SHALL INCLUDE:

(A) THE ORDERLY AND SAFE DEVELOPMENT OF THE NATURAL RESOURCES OF THE MOON;

(B) THE RATIONAL MANAGEMENT OF THOSE RESOURCES;

(C) THE EXPANSION OF OPPORTUNITIES IN THE USE OF THOSE RESOURCES; AND

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(D) AN EQUITABLE SHARING IN THE BENEFITS DERIVED FROM THOSE RESOURCES.

4. IN ORDER TO IMPLEMENT THE PROVISIONS OF PARAGRAPH 2 OF THIS ARTICLE, THE SECRETARY-GENERAL, IN 15 YEARS AFTER THE TREATY ENTERS INTO FORCE AND, IF NECESSARY, EVERY 5 YEARS AFTERWARDS, SHALL CONVOKE A CONFERENCE OF STATES PARTIES TO THE TREATY DURING REGULAR SESSIONS OF THE GENERAL ASSEMBLY FOR CONSIDERING THE

QUESTION OF WHETHER THE EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON IS FEASIBLE. ALL STATES PARTIES UNDERTAKE TO MAKE THE NECESSARY STEPS FOR ENSURING THEIR PARTICIPATION IN SUCH CONFERENCES. DECISIONS AT THE CONFERENCES SHALL BE ADOPTED BY A QUALIFIED MAJORITY OF VOTES.

5. IF THE CONFERENCE OF STATES PARTIES PROVIDED FOR IN PARAGRAPH 4 OF THIS ARTICLE COMES TO A CONCLUSION THAT THE EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON HAS BECOME FEASIBLE, THE SECRETARY-GENERAL, AT THE REQUEST OF ONE THIRD OF STATES PARTIES, SHALL CONVENE AN INTERNATIONAL CONFERENCE FOR THE CONSIDERATION OF THE QUESTION OF ESTABLISHING AN INTERNATIONAL REGIME PURSUANT TO PARAGRAPH 2 OF THIS ARTICLE.

6. STATES PARTIES SHALL INFORM THE SECRETARY-GENERAL OF THE UNITED NATIONS AS WELL AS THE PUBLIC AND THE INTERNATIONAL SCIENTIFIC COMMUNITY TO THE GREATEST EXTENT POSSIBLE AND PRACTICABLE OF ANY NATURAL RESOURCES THEY MAY DISCOVER ON THE MOON.

7. WITHOUT PREJUDICE TO THE PROVISIONS OF ARTICLE V OF THIS TREATY, ALL ACTIVITIES WITH RESPECT TO THE EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON SHALL BE CARRIED OUT IN A MANNER COMPATIBLE WITH THE PURPOSES OF THE INTERNATIONAL REGIME TO BE ESTABLISHED, AS SPECIFIED IN PARAGRAPH 3 OF THIS ARTICLE.

FOOTNOTE (X) THE QUESTION OF APPLYING THESE PROVISIONS TO OTHER CELESTIAL BODIES CAN BE APPROPRIATELY SOLVED AFTER ACHIEVING AGREEMENT ON THEIR SUBSTANCE.

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